

2024:PHHC:170023



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.236-3

CRM-M-51249-2024(O&M)
Date of decision : 18.12.2024

Sandeep

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sunil Agnihotri, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.293 dated 03.05.2024 under Sections 379-B & 427 IPC (Section 201 IPC added later on), registered at Police Station Indri, District Karnal.

2. The translated version of FIR is reproduced below:-

“Statement of Bharmender son of Jwala resident of Palwal, Police Station Kurukshetra, District Kurukshetra, aged 38 years, mobile No.7056122919 stated that I am resident of above said address and working as driver and studied up to 6th class, and doing job with Yogesh Gupta son of Roshan Lal resident of 975/5, on his Eicher Canter bearing registering Number HR-65-9151 and Manish S/o Suraj Bhan is also working with me, on dated 2-5-2024 at about 5 PM we were coming to Kurukshetra by taking Rs.2 Lakhs Ninety Eight Thousand from Mahavir Jain and Arihant Machinery Store, Dhanora, U.P. Today on dated 3-5-2024 at about 3:30AM, when reach at village Bayana on Bayana-Indri Road, then I stopped my canter to answer the call of nature. Then from village Bayana side Chotta Hathi and one motorcycle splendor cross our vehicle then after some time two young boy came back on Chotta Hathi and on motorcycle and stopped near our vehicle. One young boy came out from Chotta Hathi and two boys came down from motorcycle and then all of three breaks our vehicle's glass of front and side mirror with bricks, and stones and caused injury to me and Manish by bricks, while we

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were sit inside the canter. When we were got injures then they forcefully snatched the bag which contains Rs.2,98,000/- and ran away and I can identify them, if they came before me, then we informed the police on helpline number 112 regarding snatching of money, then police after reaching the spot, got us admitted in Government Hospital, Indri then Doctor discharge me after giving treatment. Due to light which I cannot see the number of motorcycle and Chotta Hathi, unknown boys snatched the money by broken our vehicle, and caused injuries to us, take appropriate legal action against them. Sd/- Dharmender."

3. Learned counsel for the petitioner submits that allegedly the petitioner along with co-accused snatched an amount of Rs.2,98,000/- and while doing so, they caused injuries to the complainant. The petitioner is a poor person and has been falsely implicated in this case. There is no injury attributed to the petitioner. He further submits that the FIR was registered against unknown person(s) after a delay of 04 days. The petitioner has undergone an actual custody of 07 months and 07 days and is not involved in other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 07 months and 07 days and there is no other criminal case registered against him. He on instructions from ASI-Surinder Kumar submits that charges were framed on 07.09.2024 and out of a total of 16 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of

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5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 07 months and 07 days and is not involved in other criminal case. Charges were framed on 07.09.2024 and none of the prosecution witness has been examined. The conclusion of the trial will take a considerable time. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

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- facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
- Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

18.12.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No